

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Evelyn Roig, Assistant Town Clerk / 954-797-1023

PREPARED BY: Evelyn Roig, Assistant Town Clerk

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: August 5, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the August 5, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): August 5, 2009 minutes

**TOWN OF DAVIE
REGULAR MEETING
AUGUST 5, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Crowley and Councilmembers Caletka, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Patti Koch announced that the Old Davie School would host their second annual Back to School Bluegrass and Barbeque on September 20th. All of the proceeds would benefit the Old Davie School and its programs.

Arthur Joseph stated that he had called Town Hall to ask the reserve fund balance, which had proven to be a “truly bureaucratic experience.” Town staff had informed him that he must fill out a public information request for this information, and Mr. Joseph had told the employee to forget about it. The administration office had later informed him that the reserve fund balance was \$24.5 million.

Mr. Joseph asked Council to join other Florida cities to fight Senate Bill 360 passed by the State legislature that he felt could adversely affect taxpayers throughout the State.

Lorraine Hofheinz stated that she had taken the Community Emergency Response Team class and she believed that all residents must consider how they would deal with an emergency situation. She added that she had also taken the Town’s CPR class and suggested that the cost of these programs be reduced to encourage more people to participate.

Ms. Hofheinz remarked that landscaping along Griffin Road from Pine Island to the Turnpike was ugly and Code Enforcement should look into this.

Ms. Hofheinz announced that in September, the Davie Youth Safety and Education Board would distribute applications for a \$500 grant at Davie elementary, middle and high schools.

Pastor Rick Fernandez thanked the City for its partnership in Teen Challenge. He introduced Tierra Madison, the first Teen Challenge GED program graduate. Ms. Madison explained how Teen Challenge had helped her to overcome the negative affects of an abusive home life.

William Leibowitz, Chair of the Senior Citizens Advisory Board, thanked the Town for all of the services available for seniors, particularly the bus service. He asked that in their budget discussions, Council act to keep the Town’s senior services intact, especially the bus service, which was critical for many residents.

Cesar Hassan said that he and his family had moved to Davie three months ago and in that time, there had been more then 10 crime incidents at his property. He felt they

needed to erect a gate for security in the development. Mayor Paul advised Mr. Hassan to confer with Police Chief Patrick Lynn regarding this issue. Councilmember Luis indicated that he had met with these residents and thought Council should rethink allowing a guard gate for this community because of the complaints he had heard from the residents. Mayor Paul advised that the community must apply for a variance since this was not allowed per Code. Councilmember Starkey stated that she had spoken to a resident regarding this matter and she did not believe it was prohibited by Code. She asked residents to work with Planning and Zoning Manager David Quigley on this issue.

Karen Kane said that she had seen a lot of solicitation and illegal dumping in the neighborhood, as well as loose dogs. She wanted a little more security in the neighborhood.

Lisa Sarkar stated that her family wanted a security gate installed at each entrance to the community. She said that they had experienced the following problems: bands of teenagers speeding through the neighborhood in golf carts and hanging out until 2:00 in the morning; adults speeding through the neighborhood with dune buggies and people with large trucks stealing newly-planted trees.

Nanette Plescia, representative of the developer, remarked that there was a problem in this neighborhood because there were “minimal homeowners living there.” She stated that she could not wait for a variance for the gates. Ms. Plescia said that home buyers were purchasing homes in gated communities instead of in this community. She stated, “Whatever your thought was about Davie, it’s beautiful, it is absolutely beautiful, but the rural code and cowboy feel isn’t what’s going to work in the marketing of new home sales today, bringing more tax revenue into this Town and facing every one of those people before something more serious happens.”

Vice-Mayor Crowley remembered meeting with Ms. Plescia a year ago regarding her applying for a variance, and he asked if she had run into obstacles. Ms. Plescia stated that there were a number of obstacles. She said “We’ve tried a number of ways, we’ve met with Mr. Quigley, we’ve done every one of the things that we needed to do” but the timeframes they had been given for receiving some help were more than a year. She said that there was a point system, and their request was “one point off.” Councilmember Luis noted that one requirement for a variance was a hardship, and he believed this request qualified. He agreed to call Ms. Plescia the following day regarding this matter.

Councilmember Starkey suggested that police details could be employed in the neighborhood, as well as Crime Watch patrols.

Council agreed they would consider a slight modification to the Code to deal with this situation. Mr. Shimun agreed to have staff look into this.

Mayor Paul advised item 4.12 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to add item 4.12 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 June 16, 2009 (Budget Meeting) (tabled from July 29, 2009)

Business License Tax

- 4.2 Crown Electric of South Florida, 11621 SW 22 Court

Resolutions

- 4.3 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF UP TO \$87,280 FROM THE DISTRICT ONE GENERAL OBLIGATION PARKS OPEN SPACE BONDS FOR THE PHASE ONE DEVELOPMENT OF THE PINE ISLAND RIDGE LANDSCAPE PROJECT. (not budgeted)
- 4.4 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING BIDS FOR FIRST AID SUPPLIES AND EQUIPMENT. (\$120,000)
- 4.5 **PAYMENT ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AN ADJUSTMENT TO THE PAYMENT OF THE FEE IN LIEU OF INCLUSIONARY UNITS PAID BY DEVELOPERS INTO THE AFFORDABLE HOUSING TRUST FUND WHICH IS AUTHORIZED TO BE REVIEWED ON A YEARLY BASIS AND WHICH IS HEREBY ADJUSTED TO \$6.00 PER GROSS SQUARE FOOT PER RESIDENTIAL UNIT UP TO ONE THOUSAND SIX HUNDRED (1,600) SQUARE FEET PER RESIDENTIAL UNIT AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.6 **FEE SCHEDULE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE FIRE RESCUE DEPARTMENT FEE SCHEDULE FOR EMERGENCY MEDICAL SERVICES (EMS) TRANSPORTATION, PROVIDING FOR AN EFFECTIVE DATE.
- 4.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT UNDER ADDENDUM TO STATE EMS GRANT FUNDS FOR PARTICIPATING AGENCIES, ATTACHED HERETO AS EXHIBIT "H" ON A PROJECT APPLICATION FOR EMERGENCY RESPONDER ROADWAY SAFETY UNDER THE AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF SUNRISE, FLORIDA FOR STATE EMS COUNTY GRANT FUNDING UNDER STATE CONTRACT 07-HSD-EMS-8148-02.
- 4.8 **AGREEMENT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AND EXECUTING THE EXTENSION OF THE LEASE AGREEMENT BETWEEN CLEAR CHANNEL OUTDOOR AND THE TOWN OF DAVIE. (\$5,000/year revenue reduction)

- 4.9 **QUIT CLAIM DEEDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ACCEPT AND EXECUTE TWO QUIT CLAIM DEEDS WHICH CONVEY TWO PROPERTIES IN THE PINE ISLAND RIDGE COMMUNITY FROM BROWARD COUNTY TO THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.10 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "EASY HOME OF DAVIE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-08, Easy Home of Davie, 5655 SW 64 Avenue) Planning & Zoning Board recommended approval

Quasi-Judicial Consent Agenda

- 4.11 SPM 2-1-09, Kings Manor, 12500 State Road 84 (R-1T, County) *Site Plan Committee recommended approval*

Item to be added

- 4.12 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, MODIFYING THE TERMS OF THE CONTRACT WITH THE TOWN ATTORNEY BY ADDING SINGLE COVERAGE FOR EPO/HMO HEALTH INSURANCE, DENTAL INSURANCE, AND VISION INSURANCE OR THE MONETARY EQUIVALENT THEREOF.

Councilmember Starkey pulled items 4.1 and 4.8 from the Consent Agenda. Mayor Paul pulled item 4.3.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to approve the Consent Agenda less items 4.1, 4.3 and 4.8. In a voice vote, all voted in favor. (Motion carried 5-0)

4.1 Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table to Council's next meeting [August 19, 2009]. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Mayor Paul stated that some Open Space Advisory Board members were concerned about using open space bond money to remove the metal poles. She said that Mr. Diez had found homes for some of the trees that would be removed and had agreed to use a portion from the total for the tree relocation that would amount to \$31,000.

Councilmember Starkey thought the landscaping improvements had been part of the annexation agreement. Mr. Diez stated that the annexation agreement only addressed maintenance of the existing landscaping not improvements.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Councilmember Starkey felt the money the Town would receive was small and she did not want to extend the contract. She suggested an edit to page 107, section (6). Mr. Shimun agreed this was a “take it or leave it” situation, but he was not sure if denying the agreement would mean that the billboards would be removed.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to deny.

Councilmember Starkey pointed out that the Town owned this property and leased it to the billboard company. Mr. Rayson said that he must examine the prior lease document and recommended tabling the item.

Vice-Mayor Crowley said that he was in favor of keeping this billboard for revenue. He recommended tabling the item for Mr. Rayson to look into it.

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to table.

On the motion to deny, the vote was as follows: Mayor Paul - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Luis - no; Councilmember Starkey - yes. (Motion failed 2-3)

Vice-Mayor Crowley made a motion, seconded by Councilmember Luis, to table, to give Mr. Rayson the opportunity to look into it [August 19, 2009]. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

5. DISCUSSION OF CONSENT AGENDA ITEMS

6. PUBLIC HEARING

7. APPOINTMENTS

7.1 Mayor Paul

- 7.1.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.2 Vice-Mayor Crowley

- 7.2.1 Green Energy and Environmental Committee (two exclusive appointments - terms expire April 2010)

No appointments were made.

- 7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.3 Councilmember Luis

- 7.3.1 Green Energy and Environmental Committee (one exclusive appointment - term expires April 2010)

No appointment was made.

- 7.3.2 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

Councilmember Luis appointed Christian Chiari.

- 7.4 Councilmember Starkey

- 7.4.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

- 9.1 MSP 7-1-07, Saddle Bridge (Griffin Corridor District/Intersection Commercial Node)

Deputy Planning and Zoning Manager David Abramson summarized the staff report.

Scott Backman, representing the applicant, stated that market conditions had only worsened since he had made the request 18 months ago, and requested additional time.

Mayor Paul said that there was no intent to circumvent the commercial development and they were selling the townhouses. She did not object to the request. Councilmember Luis felt the request was reasonable. Councilmember Starkey wanted the applicant to return to Council each year.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

- 9.2 Representative Matt Hudson (District 101)

Earlier in the meeting, Representative Hudson said that the State had begun with a budget shortfall of \$6.5 billion but had managed to balance the budget and the State was functioning well. He stated that the legislature had been concentrating on the budget and had passed only 270 pieces of legislation in the past year.

Representative Hudson remarked that for the past couple of years, revenue for the State had been in a "free fall." He said that the revenue estimators had found it very difficult to forecast every revenue category, but this year, they had ended up \$92 million on the plus side. Representative Hudson said that the budget was in line with projections and would require no mid-year adjustment.

Mayor Paul asked how the State would fare with next year's budget. Representative Hudson responded that initial revenue estimates showed they would be a little short.

Councilmember Starkey was very concerned about the Town's ability to collect funds for emergency services on major highways and asked Representative Hudson to look into amending this for major incidents. Representative Hudson agreed this was a

hardship and said that some people were looking into a state-wide cost-sharing mechanism for major incidents.

Councilmember Caletka brought up the I-595 express lanes that would have no access in Davie and the burden this put on taxpayers to fund the Fire Department. Council had asked FDOT for a portion of the tolls collected, but FDOT had refused to change their policy. Councilmember Caletka asked Representative Hudson to help move this request along on Davie's behalf. Representative Hudson agreed with Councilmember Caletka on this subject and shared his frustration with FDOT. He agreed to discuss this with Town staff and to send a letter to the appropriate parties.

10. SCHEDULE OF NEXT MEETING

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER LUIS

GRAFFITI. Councilmember Luis advised that he had received calls regarding graffiti by Western High School and was aware the Town was working on this.

COUNCILMEMBER STARKEY

PUBLIC PARTICIPATION MEETINGS. Councilmember Starkey stated that participation meetings were not always held in the district in which the development was proposed to take place. She suggested developers be required or encouraged to hold the public participation meetings in the appropriate district. Mr. Quigley mentioned that public meeting spaces were in very high demand and developers were often forced to schedule their meetings later and later. Mr. Quigley agreed to include this suggestion in the application form.

MAYOR PAUL

CONGRATULATIONS. Mayor Paul congratulated Town Clerk Muniz on his recent graduation from Florida International University with a Master's Degree in Public Administration.

RESIDENTS HELPING TO KEEP DAVIE GREEN. Mayor Paul announced that Kathleen from Forest Ridge had installed solar heating in her home, planted a butterfly garden and reused her dog's water.

THANK YOU. Mayor Paul thanked Program Manager Susan Dean for her many years of service to the Town.

BROWARD TRIAD COMMUNITY FORUM. Mayor Paul announced that the Broward Triad would be holding a community forum at the Tamarac Community Center and would discuss Communities for a Lifetime. She advised that the Town's award winning program would be on the agenda and indicated that she and Mr. Leibowitz would attend to discuss the program.

HAWKES BLUFF HOMEOWNERS ASSOCIATION. Mayor Paul advised that she had attended the Hawkes Bluff Homeowner's Association meeting the previous week and staff had answered questions that had arisen.

OPEN SPACE BOND FUND LAND PURCHASE - DISTRICT 1. Mayor Paul said that there had been requests to purchase Silver Lake and Arrowhead in District 1 using open space bond funds.

MOMENT OF SILENCE. Mayor Paul closed the meeting with a moment of silence in memory of Judy Destefano.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:18 p.m.

Approved _____

Mayor/Councilmember

Town Clerk